

## REMARKS

This is a full and timely response to the outstanding Office Action mailed July 16, 2003. Upon entry of the amendments in this response, claims 1 – 40 are pending. In particular, Applicants have amended claims 1 – 4, 9 – 14, 19 – 24, 29, and 30 and added new claims 31 – 40. Applicants note that no new matter has been added because support may be found in the original specification and/or original claims. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Claims 1 – 40 are Patentable Over U.S. Patent No. 6,289,462

The Office Action rejects claims 1 - 30 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,289,462 to McNabb *et al.* (“the ‘462 patent”). Without acquiescing to the merits of this rejection based on the original claims, Applicants have amended independent claims 1, 11, and 21.

Applicants respectfully assert that amended independent claims 1, 11, and 21 are patentable over the ‘462 patent and the other prior art of record for at least the reason that each claim recites the feature/element of modifying the plurality of attributes for the software process based on an executable environment attribute stored in association with the executable file. The system recited in independent claim 1 includes the limitation of a system call trap configured to “modify the plurality of attributes for the software process based on an executable attribute stored in association with said executable file.” The method recited in independent claim 11 comprises “modifying the plurality of attributes for the software process based on an executable environment attribute stored in association with the executable file.” The computer readable medium recited in claim 21 includes the feature of logic for performing the step of “modifying the plurality of attributes for the software process based on an executable environment attribute stored in association with the executable file.”

Applicants respectfully assert that the '462 patent fails to disclose, teach, or suggest these claimed features/elements. For at least this reason, Applicants respectfully assert that independent claims 1, 11, and 21 are patentable over the '462 patent. Therefore, Applicants respectfully request that this rejection be withdrawn and that independent claims 1, 11, and 21 be allowed. Furthermore, dependent claims 2 – 10 and new claims 31 - 33 (which depend on independent claim 1), dependent claims 12 – 20 and new claims 34 – 37 (which depend on independent claim 11), and dependent claims 22 – 30 and new claims 38 – 40 (which depend on independent claim 21) are allowable as a matter of law for at least the reason that they contain all features/elements/steps of the corresponding independent claim. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, Applicants respectfully request that the rejection of these dependent claims be withdrawn and the claims allowed.

## II. New Dependent Claims 31 – 40 are Patentable Over the Prior Art of Record

Applicants note that new dependent claims 31 – 40 are patentable over the '462 patent and the other prior art of record for the additional reason that they recite further features/elements that are not disclosed, taught, or suggested by the prior art.

New dependent claims 31, 34, and 38 recite the feature/element of determining (claim 34 and 38) / determine (claim 31) whether the execution environment attribute contains an inherit flag. New dependent claims 32, 35, and 39 further recite the feature/element of storing (claim 35 and 39) / store (claim 32) a current attribute for a current process when the execution attribute contains an inherit flag. New dependent claims 33 and 40 further recite the following features/elements, which are not disclosed, taught, or suggested by the prior art of record: determine (claim 33) / determining (claim 40) whether the current attribute for the current process contains the inherit flag; merge (claim 33) / merging (claim 40) the execution environment attribute with a previously stored attribute if the current attribute does not

contain the inherit flag; and merge (claim 33) / merging (claim 40) the execution environment attribute with the current attribute if the current attribute does contain the inherit flag. New dependent claim 36 further recites the following features/elements, which are not disclosed, taught, or suggested by the prior art of record: determining whether the current attribute for the current process contains the inherit flag; and merging the execution environment with a previously stored attribute if the current attribute does not contain the inherit flag. New dependent claim 37 further recites the following features/elements, which are not disclosed, taught, or suggested by the prior art of record: determining whether the current attribute for the current process contains the inherit flag; and merging the execution environment with the current attribute if the current attribute does contain the inherit flag.

Because the prior art of record does not disclose, teach, or suggest any of these additional features/elements, Applicants respectfully request allowance of new dependent claims 31 – 40 for these additional reasons.

## CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims 1 – 40 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,




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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on 10/15/2003.

  
Signature